IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 16709 of 2004

Between:

Smt.Ch.Sridevi, W/o Chandrasekhar,
Kondabheemanapally Village, Devarakonda Mandal, Nalgonda District

..... PETITIONER

AND

The Revenue Divisional Officer, Miryalaguda, Nalgonda District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus, set-aside the suspension order of the respondent Proc.No.E2/4549/1998 dated 3-12-2001 which was issued against the principles of natural justice without giving notice or making any charges against the control order is illegal, without jurisdiction null and void, and consequently direct the respondents to issue the E.C.'s to the petitioner herein to distribute the same to the cardholders as usual and pass such other order or orders as are deemed fit and proper in the interest of justice.

Counsel for the Petitioner: MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

Petitioner is an authorised dealer in respect of Fair Price Shop No.II, Kondabheemanapally village, Devarakonda Mandal, Nalgonda District. Her authorisation was cancelled by the Revenue Divisional Officer, Nalgonda District, by order dated 03.12.2001 on an allegation that she contravened condition 11 of the Authorisation. Against the said order, she preferred an appeal before the Joint Collector, Nalgonda. The said appeal was disposed of by the Joint Collector by order dated 03.09.2002 directing the Revenue Divisional Officer, Miryalaguda, Nalgonda District, to issue a show-cause notice to the petitioner and to pass appropriate orders after considering the explanation submitted by her and after conducting a detailed enquiry into the matter within a period of two months from the date of receipt of a copy of the said order. The petitioner states that in pursuance thereof, a show-cause notice was issued to her and she has also submitted her explanation. However, her grievance is that so far the Revenue Divisional Officer has not completed the enquiry. Hence, this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondent.

Since the Joint Collector, Nalgonda, who is the appellate authority under the statute while disposing of the appeal directed the Revenue Divisional Officer to conduct enquiry and to pass appropriate orders, the Revenue Divisional Officer is bound to comply with the same. In the circumstances, I deem it appropriate to dispose of the writ petition

with a direction to the Revenue Divisional Officer, Miryalaguda, Nalgonda District, to complete the enquiry in terms of the order of the Joint Collector dated 03.09.2003 and to pass appropriate orders in accordance with law after affording an opportunity of being heard to the petitioner, as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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17.09.2004

Note: Furnish CC in three days

(b/o)

vgb

To

1 The Revenue Divisional Officer, Miryalaguda, Nalgonda District

2 2CCs to the Government Pleader for Civil Supplies, High Court

Buildings, Hyderabad (OUT)

3 2CD copies